

**Mr. Bala Mahendran**  
Chief Executive  
Basildon District Council

uk

**Ms Sue Marriott**  
Basildon District Council  
St Martin's Square  
Basildon SS14 1DL 5 April 2010

## **UNDER FoI ACT**

Dear Mr. Mahendran and Ms. Marriott,

I am writing to request from you under the Freedom of Information Act a copy of any contractual or pre-contractual papers that relate to the specifics of the undertaking to be conducted by Constant & Co with regards to Dale Farm, Crays Hill, and Hovefields, Wickford.

Access to the information on the specifics of the undertaking that is contained in the contract awarded to Constant and Co. (Bedofrd) Ltd. by Basildon District Council for bailiff services for undertaking Enforcement Action at Dale Farm and Hovefields is relevant to the affected communities and to the public in general because of their impact and effects on health and safety issues. According to the Health and Safety at Work etc. Act 1974, it is the duty of every employer to give persons (not being his employees) who may be affected by the way in which he conducts his undertaking, the prescribed information about aspects of his undertaking as might affect their health or safety (Art. 3(3)).

In order for the residents of Dale Farm, Hovefields and the surrounding communities to learn about the type, impact and extent of the health and safety effects that can result from the way in which Constant and Co. will conduct the undertaking to enforce notice, information is needed on the contractual aspects of the specifics of the undertaking.

Considering that the Cabinet of Basildon District Council has decided on 10 December 2009 to delegate the authority to agree the details of the contract to the Head of Community and Environment in consultation with the Manager of Legal and Corporate Governance, we require that this email is referred to these bodies too, in case you consider it necessary.

Sincerely,

Leticia Osorio  
Essex Human Rights Clinic/ Case-Coordinator  
School of Law, University of Essex  
Wivenhoe Park, Colchester  
CO4 3SQ - United Kingdom.  
Tel: +44.1206-87-4804

# Basildon Council

BASILDON • BILLERICAY • WICKFORD

Ms Leticia Osorio  
School Of Law University Of Essex  
Wivenhoe Park  
Colchester  
Essex  
CO4 3SQ

14 May 2010

**Ref: 3301760**

Dear Ms Osorio

**Contract with Constant & Co (Dale Farm/Hovefileds)**

I refer to your email of 6 May where you asked for a review to be carried out regarding the Council's decision not to release information in relation to your Freedom of Information Act request.

I can advise that I have reviewed this matter and the decision remains the same. In your letter you refer to an undertaking and I assume that you are referring to the undertaking that the Council gave the Courts. This undertaking is not referred to in the contract.

The details you are requesting are actual operational plans and are therefore exempt from disclosure under Section 31, 38 and 41 of the Freedom of Information Act.

You have now exhausted your right of appeal within the Council. Should you wish to pursue this matter further you will need to contact the Information Commissioners Office. The ICO can be contacted at The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SKP 5AF

**Service Advice Centre**  
The Basildon Centre | St. Martin's Square  
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[www.basildondistrict.com](http://www.basildondistrict.com)

Yours sincerely,

**Lee Washbrook**  
**Manager Customer Services & Office Facilities**

